

MINUTES

LAKE COUNTY ZONING BOARD

FEBRUARY 1, 2006

The Lake County Zoning Board met on Wednesday, February 1, 2006 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, Conditional Use Permits, and Mining Site Plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, February 28, 2006 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Robert H. Herndon	District 4
Paul Bryan, Chairman	District 5
Donald Miller	Member-at-Large
Larry Metz	School Board Representative

Staff Present:

Carol Stricklin, AICP, Director, Department of Growth Management
Amye King, AICP, Deputy Director, Department of Growth Management
Terrie Diesbourg, Interim Director, Planning and Development Services Division
John Kruse, Senior Planner, Planning and Development Services Division
Rick Hartenstein, Senior Planner, Planning and Development Services Division
Stacy Allen, Senior Planner, Planning and Development Services Division
Jennifer DuBois, Senior Planner, Planning and Development Services Division
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division
Fred Schneider, Engineer Director, Engineering Division
Kevin McBride, Assistant County Attorney

Chairman Bryan called the meeting to order at 9:08 a.m. He led in the Pledge of Allegiance, and Timothy Morris gave the invocation. Chairman Bryan stated that a quorum was present. He noted the Proof of Publication on the monitor and that the meeting has been noticed pursuant to the Sunshine Statute. He explained the procedure to be used in hearing the cases. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case.

TABLE OF CONTENTS

<u>CASE NO.:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>	<u>AGENDA NO.</u>
Consideration of Minutes	January 4, 2006	
CUP#05/11/1-4	Mark and Kathleen Draper/Craig & Associates/Deanna Beyer	1
PH#23-06-2	Larry C. and Ann W. Linder Cecelia Bonifay, Esquire, Akerman Senterfitt	5
MSP#05/11/1-2	Rinker Materials Corp. Steven J. Richey, P.A.	11
PH#16-06-3	Jim Lyden and Don Nicholson Craig J. Kosuta	13
PH#87F-05-3	The Plantation at Leesburg Limited Partnership Miranda F. Fitzgerald, Esquire Lowndes, Drosdick, Doster, Kantor, & Reed, P.A.	17
PH#18-06-3	Geoffrey L. and Vickie M. Ball	20
PH#21-06-5	Donald J. Fornace/Manhar K. Jadav, P.E.	21
Discussion	Staff Reports	
PH#14-06-3	Thomas C. and Ethel R. McEaddy/Steven J. Richey, P.A.	2
PH#19-06-2	Charles E. Frommeyer	3
PH#20-06-2	Cole Whitaker/Greg A. Beliveau, AICP, LPG Urban & Regional Planners, Inc./Steven J. Richey, P.A.	4
PH#17-06-1	Robert W. Le Francois/Fred Hamilton	6
PH#8-06-5	Roger D. and Barbara G. Howard/Robert Luis Boselli	7
PH#27-06-3	The First National Bank of Mount Dora/Trustee for Ron And Debra Chapman/ Bruce Duncan, Attorney at Law	8
PH#28-06-5	Louis Meucci, Trustee, and Mark D. and Susan M. Daigneau Greg A. Beliveau, AICP, LPG, Urban and Regional Planners, Inc.	9
PH#26-06-5	James W. Sims and Louise F. Sims, Trustees	10
PH#29-06-2	Lake County School Board/Greg Beliveau, AICP, LPG Urban and Regional Planners, Inc.	12
PH#24-06-3	Jim Lyden and Don Nicholson/Craig J. Kosuta	14
PH#25-06-3	Jim Lyden and Don Nicholson/Craig J. Kosuta	15
PH#10-06-3	St. Johns River Water Management District/Gene Caputo	16

TABLE OF CONTENTS

<u>CASE NO.:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>	<u>AGENDA NO.</u>
PH#15-06-5	Fleck Holdings 3, LLC/Peter Fleck Mark A. Maciel	18
PH#22-06-5	Robert Granger, Jr.	19

Minutes

MOTION by James Gardner, SECONDED by Robert Herndon to approve the January 4, 2006 Lake County Zoning Board public hearing minutes, as submitted.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Metz

AGAINST: None

NOT PRESENT; Miller

MOTION CARRIED: 6-0

CASE NO.: CUP#05/11/1-4

AGENDA NO.: 1

OWNERS: Mark and Kathleen Draper
APPLICANTS: Craig & Associates/Deanna Beyer

Rick Hartenstein, Senior Planner, stated that the applicant has requested a 60-day continuance until the April Zoning Board public hearing in order to determine their course of action to finalize this request.

There was no opposition in the audience to this continuance request.

MOTION by Timothy Morris, SECONDED by Robert Herndon to continue CUP#05/11/1-4 until the April 5, 2006 Lake County Zoning Board public hearing.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Metz

AGAINST: None

NOT PRESENT; Miller

MOTION CARRIED: 6-0

CASE NO.: PH#23-06-2

AGENDA NO.: 5

OWNERS: Larry C. and Ann W. Linder

APPLICANT: Cecelia Bonifay, Esquire, Akerman Senterfitt

Rick Hartenstein, Senior Planner, submitted a letter from Cecelia Bonifay to Carol Stricklin requesting a continuance to the March 1, 2006 Zoning Board public hearing as County Exhibit A and read it into the record.

Cecelia Bonifay was present to represent the case.

When Tanya Waggoner asked why she was not notified of this continuance, Chairman Bryan said the letter requesting the continuance was dated January 31, 2006 so there was no time to notify property owners in writing. Typically notification of a continuance is done at the public hearing.

MOTION by Timothy Morris, SECONDED by Robert Herndon to continue PH#23-06-2 until the March 1, 2006 Lake County Zoning Board public hearing.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Metz

AGAINST: None

NOT PRESENT; Miller

MOTION CARRIED: 6-0

CASE NO.: MSP#05/11/1-2

AGENDA NO.: 11

OWNER: Rinker Materials Corp.
APPLICANT: Steven J. Richey, P.A.

Rick Hartenstein, Senior Planner, stated that the applicant has requested a 30-day continuance for this case to allow the applicant time to provide additional information to staff.

There was no opposition in the audience to this 30-day continuance request.

MOTION by Timothy Morris, SECONDED by Robert Herndon to continue MSP#05/11/1-2 until the March 1, 2006 Lake County Zoning Board public hearing.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Metz

AGAINST: None

NOT PRESENT; Miller

MOTION CARRIED: 6-0

CASE NO.: PH#16-06-3

AGENDA NO.: 13

OWNERS: Jim Lyden and Don Nicholson
APPLICANT: Craig J. Kosuta

Rick Hartenstein, Senior Planner, stated that the applicant has requested a 30-day continuance as he did not receive the staff report until shortly before this public hearing, and he did not feel he had adequate time to review the staff report and prepare a presentation for this public hearing.

There was no one in the audience who was opposed to this requested continuance.

MOTION by Robert Herndon, SECONDED by Scott Blankenship to continue PH#16-06-3 until the March 1, 2006 Lake County Zoning Board public hearing.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Metz

AGAINST: None

NOT PRESENT; Miller

MOTION CARRIED: 6-0

CASE NO.: PH#87F-05-3

AGENDA NO.: 17

OWNER: The Plantation at Leesburg Limited Partnership
APPLICANT: Miranda F. Fitzgerald, Esquire
Lowndes, Drosdick, Doster, Kantor, & Reed, P.A.

Rick Hartenstein, Senior Planner, stated that a 30-day continuance has been requested for this case. This case has been continued several times previously. These continuances have been requested as the applicant has not received final comments from the State reviewing agencies, and staff cannot make a true recommendation without the information.

There was no opposition in the audience to the continuance request.

MOTION by Robert Herndon, SECONDED by Timothy Morris to continue PH#87F-05-3 until the March 1, 2006 Lake County Zoning Board public hearing.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Metz

AGAINST: None

NOT PRESENT; Miller

MOTION CARRIED: 6-0

CASE NO.: PH#18-06-3

AGENDA NO.: 20

OWNERS/APPLICANTS: Geoffrey L. and Vickie M. Ball

Rick Hartenstein, Senior Planner, stated that the applicants have requested that this case be withdrawn.

MOTION by Timothy Morris, SECONDED by Robert Herndon to accept the withdrawal of PH#18-06-3.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Metz

AGAINST: None

NOT PRESENT; Miller

MOTION CARRIED: 6-0

CASE NO.: PH#21-06-5

AGENDA NO.: 21

OWNER: Donald J. Fornace

APPLICANT: Manhar K. Jadav, P.E.

Rick Hartenstein, Senior Planner, stated that this is a staff-initiated 30-day continuance request based on inconsistencies in the application regarding the amount of acreage.

There was no opposition in the audience to this continuance request.

MOTION by James Gardner, SECONDED by Robert Herndon to continue PH#21-06-5 until the March 1, 2006 Lake County Zoning Board public hearing.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Metz

AGAINST: None

NOT PRESENT; Miller

MOTION CARRIED: 6-0

Discussion of Staff Reports

On two of the cases just voted on, Timothy Morris stated that there appeared to be a surprise about the staff report and the recommendation of denial. He asked if the applicants are aware of what is going on during the process. Although he could not speak for the other senior planners, Rick Hartenstein, Senior Planner, said that when he discovers a problem as he is writing the staff report, he notifies the applicant.

In response to Mr. Morris, Mr. Hartenstein said the applicants receive the staff reports at about the same time as the Zoning Board members.

CASE NO.: PH#14-06-3

AGENDA NO.: 2

OWNERS: Thomas C. and Ethel R. McEaddy
APPLICANT: Steven J. Richey, P.A.

Jennifer DuBois, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor.

There was no opposition in the audience.

Steve Richey was present to represent the case.

MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of AR zoning in PH#14-06-3.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Metz

AGAINST: None

NOT PRESENT; Miller

MOTION CARRIED: 6-0

CASE NO.: PH#19-06-2

AGENDA NO.: 3

OWNER/APPLICANT: Charles E. Frommeyer

Jennifer DuBois, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor.

There was no opposition in the audience.

MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of R-1 zoning in PH#19-06-2.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Metz

AGAINST: None

NOT PRESENT; Miller

MOTION CARRIED: 6-0

CASE NO.: PH#20-06-2

AGENDA NO.: 4

OWNER: Cole Whitaker
APPLICANTS: Greg A. Beliveau, AICP, LPG Urban & Regional
Planners, Inc./Steven J. Richey, P.A.

Jennifer DuBois, Senior Planner, presented the case and staff recommendation of denial. She noted the additional commercial use of general retail. She showed the aerial from the staff report on the monitor.

If the school issue was removed and any one of the four scenarios was submitted separately, Robert Herndon asked Ms. DuBois what the staff recommendation would be. Ms. DuBois replied that the recommendation would be approval without the school situation.

There was no opposition in the audience.

Steve Richey and Greg Beliveau were present to represent the case. Mr. Beliveau submitted a conceptual plan as Applicant Exhibit A. Mr. Richey said there was a Planned Unit Development (PUD) request in this area at the public hearing last month. This Zoning Board recommended approval with the condition that concurrency must be met, either through the Groveland schools or the Lake County School System. The Board of County Commissioners (BCC) approved the case with that condition. Based on the BCC's action on that case, Mr. Richey said he would have assumed that staff may have looked at some of the cases on this agenda and added such a condition. This case is in same position as the PUD request last month. Utilities are available through Groveland. Groveland also has two charter schools that would be available to this property. He asked for a recommendation of approval with the same condition as that put on the PUD last month. He added that the BCC indicated at their last rezoning public hearing that they would like some element of commercial in all of the scenarios developed in this area. That would be an acceptable proposal to the applicants.

Greg Beliveau added that the BCC has asked for more diversity in the commercial. Therefore, general retail was added to the commercial uses. The applicants in this case did not have a problem with that. He has contacted the City of Groveland. Currently, the City has two schools under construction. Those two schools will have excess capacity. The opening date for the schools is this year. Groveland has a condition that if this property utilizes city utilities, at some future time the property will be annexed into the City. When that happens, this property automatically goes into their school system. Therefore, school concurrency should not be a problem, and adding that condition would be acceptable.

In response to Timothy Morris, Mr. Beliveau said the City of Groveland is building an elementary school and a middle school. He was also under the impression that the School Board is looking into doing some redistricting of the high schools in this area. That situation will be addressed at the appropriate time.

In response to Mr. Bryan, Mr. Beliveau said BCC placed a condition on the PUD last month that the PUD must have commercial. There was no minimum or maximum amount of commercial required. Mr. Richey added that having a straight residential scenario would be something they would avoid.

Mr. Morris asked Larry Metz his opinion on this situation. Mr. Richey said they would not be building anything until they meet concurrency. If they can't meet school concurrency, Mr. Beliveau said they would build more commercial.

Carol Stricklin and Amye King came into the meeting.

Mr. Metz confirmed with Mr. Richey that no residential building permits would be issued unless the stated student stations are certified to be present. Mr. Richey said that would be a condition of this PUD. It would become more problematic if this was straight zoning as conditions could not be added.

Mr. Metz added that the School Board addressed the high school redistricting issue effective with the current academic year and is already being implemented. They have a site for a new high school, the

CASE NO.: PH#20-06-2 **AGENDA NO.:** 4
OWNER: Cole Whitaker **PAGE NO.:** 2
APPLICANTS: Greg A. Beliveau, AICP, LPG Urban & Regional
Planners, Inc./Steven J. Richey, P.A.

Lowndes property, that was subject to a rezoning petition in which this Board recommended approval unanimously. However, the Board of County Commissioners (BCC) denied it by a vote of 3-2. Therefore, the School Board has no viable building site for a new high school in south Lake County at this time. That creates some long-term concerns about the high schools in that area unless the Lowndes property is approved or a new site is found. The School Board is working on both those options. At this time, the School Board has no foreseeable time when student stations at the high school level will be available. According to the five-year capital plan, new student stations will be available at the elementary and middle school level due to elementary and middle schools being built and rebuilt in this area. Mr. Richey stated that this PUD Ordinance will require available student stations for all three school levels prior to obtaining residential permits. Mr. Metz felt that the motion must include a condition that adequately addresses the school issue as reflected on the record and will protect the School System from the burden of students showing up with no student stations. It is important that the condition can be enforced.

MOTION by Scott Blankenship, SECONDED by Robert Herndon to recommend approval of PUD zoning in PH#20-06-2 with the conditions that any residential component of this Planned Unit Development (PUD) must meet school concurrency, that there will be some form of commercial component within the PUD, and general retail will be one of the commercial component uses.

Since there is no legal school concurrency requirement in place at this time, Mr. Metz said he would like to clarify the condition to include a de facto concurrency that if, and only if, there are available student stations at elementary, middle school, and high school levels for this proposed development building permits could be issued for residential units. Mr. Bryan said the applicants have concurred with this. He felt the intent of the motion and second was to include that language. Therefore, it will be part of the record and part of the PUD Ordinance.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Metz
AGAINST: None
NOT PRESENT; Miller
MOTION CARRIED: 6-0

CASE NO.: PH#17-06-1

AGENDA NO.: 6

OWNER: Robert W. Le Francois
APPLICANT: Fred Hamilton

Stacy Allen, Senior Planner, presented the case and staff recommendation of denial. She showed the aerial from the staff report on the monitor.

Bruce Duncan with Potter, Clement, Lowry, and Duncan was present to represent the owner. As Ms. Allen stated in her staff report, Mr. Duncan said this request meets all the requirements of the County's rules and regulations. Staff's recommendation of denial is based on the school issue. He said the owner is prepared to request R-3 zoning as opposed to R-4 in order to be consistent with the neighboring property. Regarding the R-3 zoned property to the east, that property is under common ownership; and this subdivision will be one common subdivision if this request is approved. As a result of that, it would allow for dual access onto two different public roads, which the Planning staff generally considers a positive aspect. Central water and sewer are available through the City of Fruitland Park as evidenced by the letter submitted. He has had meetings with the Town of Lady Lake to discuss the need in this area for non age-restricted single-family homes. The Town of Lady Lake has indicated that it needs about 3,000 homes in order to satisfy the needs for the workers at The Villages. Lady Lake has plans to build an elementary school. Regarding the memo from Dawn McDonald, Senior Planner, Lake County Schools, Mr. Duncan said Ms. McDonald calculated the school impacts at the maximum allowable density of 292 units, as required. The design plan that was prepared to submit to the County would allow for 211 units. That would result in a reduction of actual students that would impact the Lake County School System. In addition, he pointed out that the Lake County School System does not include portables in their calculations of available student stations although the State does acknowledge that portable classrooms are recognizable for the purposes of determining capacity.

Mr. Duncan noted that this is a straight rezoning request so there is no mechanism to allow an applicant to agree to follow the school concurrency standards. As mandated by State Statute, school concurrency standards will be put in place this summer. Therefore, any project approved at this time may very well fall under these concurrency standards due to the length of the process. The schools that would serve this project are not as overcrowded as some of the schools in the South Lake area. The elementary school is the biggest problem, with the high school being under capacity. With the reduction in the number of units, he felt the middle school would be at capacity rather than overcapacity.

Paul Bryan spoke of meetings that have been held on the implementation of school concurrency when it becomes effective. He had heard it may be implemented at the time of rezonings rather than when building permits are issued. Mr. Duncan said it was his understanding that it would impact the ability to pull permits.

Carol Stricklin, Director, Department of Growth Management, felt it was premature to make guesses about school concurrency implementation. The process for the development of the interlocal agreement between the School Board, Lake County, and the municipalities is in the early stages. Based on what the State Statutes require and how concurrency has been implemented for other facilities and services, a common option is at the time of platting rather than when individual permits are issued in the case of single-family residential, but specifics have not yet been discussed.

Mr. Bryan confirmed with Mr. Duncan that the application has been amended to R-3 zoning.

At the request of Robert Herndon, Larry Metz spoke about the FISH (Florida Inventory of Schoolhouses) Report. It is submitted on an annual basis. Harry Fix, Director of Growth Management for the Lake County School District, confirmed that the FISH Report is an inventory of all facilities in the County. Mr. Metz noted the current permanent capacity status of the schools that would serve this project. He was informed by Mr. Fix that those numbers do not include cumulative development. Those numbers take into account the present enrollment capacity at each school and the anticipated impact of this particular development based upon the multipliers found in the school impact fee study. Regarding the rebuilding of

CASE NO.: PH#17-06-1**AGENDA NO.:** 6**OWNER:** Robert W. Le Francois
APPLICANT: Fred Hamilton**PAGE NO.:** 2

Carver Middle School, Mr. Fix said these figures do not reflect the additional student stations when this rebuilding is complete. Mr. Fix said he was not aware of a new elementary school in Lady Lake. No application has been received. At a meeting he attended, it was his understanding that Lady Lake was not interested in an elementary school. Their interest was in a middle and/or a high school. He explained that portable classrooms are not included in the calculations because when a school is built, they are built to have a core (including the media, the dining, the bathrooms, the traffic circulation, etc.) capacity that is usually in alignment with the capacity that is reported as permanent.

Robert Spector said his 17 acres is directly west of the subject property. He contacted Ms. Allen about his concerns. She informed him that Items 1, 2 and 4 will be addressed during the platting process. He said he was happy to hear that the developer and owner would be reducing the number of homes. He owns a hobby farm and did not want it to be in danger of vandalism. A buffer zone between the road and his and his neighbors' properties would give them a comfort level. He was concerned about access to the subject property and how it would be gated, fenced or landscaped. If there are restricted covenants, he would be concerned about motor homes, driveways, streetlights, and recreation and pool areas. He was willing to work with the developer in a constructive way. He was also concerned about the number of homes and the school issue.

Lorraine Johnson, whose property faces the southern portion of the subject property, spoke of the letter she submitted to the County on January 23, 2006 in which she addresses her concerns. On the application, it gives the impression that Rolling Acres Road connects to Timbertop Lane. On the survey where it is marked "dirt," that "dirt" is an easement for the utility companies and to Suburban Septic Service. She submitted as Opposition Exhibit A three pictures of the road and views of the subject property, noting that the road is not really a road. In the picture where the "road" curves to the east or left, that is a spray field. About 90 feet south of that where it curves, Ms. Johnson said there is a runway on the left, which is an emergency runway for the Florida Aviation Authority (FAA). That is a development of five-acre home sites on both sides of the runway. She said she would like to see the section south of Lake Ella Road down to the end zoned to one unit per five acres to be consistent with the Carter property, which is located west of the subject property. In her development, the homes must have at least 2,000 square feet. The density that is being requested will devalue surrounding properties. She did not have a problem with R-3 zoning for the property east of the Carter's property. She felt the development will cause her to lose her view and will also affect the wildlife. The Villages is one mile west of her property. She questioned how this development would affect the access to their property.

Teresa Carter, owner of five acres that was cut out of these 75 acres, said the subject property surrounds her property on three sides. One of her concerns was the elementary school. She did not want access to this development from Rolling Acres Road. She did not feel the road could handle all the traffic from this development. She would like a wall placed around her property so she would not have to look at so many houses.

Since the developer wants to provide homes for the workers in the Villages, Kathy Haviland asked if the applicant had contacted The Villages developer about schooling for their workers. She said she lives less than 100 yards away on the west side. She was also concerned about additional crime in the area. She asked about the large parcel to the east and how it would be developed. She spoke of recently built condominiums and townhouses on US 441 in Lady Lake. Not all of those are full. She asked that the wildlife in the area be considered when these proposals are received.

Mr. Duncan said his comments regarding the schools in Lady Lake were based on conversations with the Town Manager for the Town of Lady Lake. It is his understanding that Lady Lake intends to move forward with the construction of at least an elementary and middle school. He said they would be happy to meet with some of the neighbors to go over the design criteria and discuss the streetlights and buffer

CASE NO.: PH#17-06-1**AGENDA NO.: 6****OWNER: Robert W. Le Francois**
APPLICANT: Fred Hamilton**PAGE NO.: 3**

zones. Rolling Acres Road is paved about three-quarters of the way down the east side of the property. It is a valid right-of-way. At some point the pavement ends so any traffic onto Rolling Acres Road would head north out of this subdivision. An environmental assessment has already been done on this property, and the property has been cleared for any environmental issues. He noted that Ms. Carter had raised an issue regarding a fence or wall around her property; that will be included in the subdivision plan. The parcel to the east has already been approved for a 236-unit subdivision.

Regarding Mr. Duncan's comment about Rolling Acres Road being paved three-quarters of the way, Ms. Johnson said the paving stops at her driveway. That is 2,500 feet from Lake Ella Road.

Scott Blankenship said he needs more information from Lady Lake on the schools. Mr. Metz explained that the School Board has an annual cycle for charter school applications. Groveland has their schools in that process right now. Lady Lake did not have an application submitted for the current cycle. The next deadline is August or September of 2006. The School Board would review it in the fall; and if it was approved, it would be another year before it was built. He did hear that Lady Lake was interested in a middle school. There is no plan right now to address student stations at the elementary level. Mr. Blankenship said it would be helpful to him to have information from the School Board on development that is going to occur in an area in the next year that is not being considered in the capacity issue. Mr. Bryan commented that there are subdivisions and zoning that have been on the books for years. It would be impossible to predict what will be developed and when. When Lake County, the School Board, and the cities met for the concurrency pilot project, it was agreed that they all need to get a handle on the data so they are all using the same set of data. The information submitted by the School Board on rezoning cases is conservative. He felt the concurrency program will eventually provide a solution, but right now it is not effective and cannot be relied upon.

Timothy Morris commented that working people at The Villages will buy some of these homes, and The Villages has charter schools that these workers would have an opportunity to utilize. He did not think the full impact of this development will be felt by the Lake County School System. Mr. Blankenship questioned if those schools are overcapacity. That is another unknown. He reiterated that he is uncomfortable with the school situation.

MOTION by Scott Blankenship, SECONDED by Larry Metz to recommend denial of R-3 zoning in PH#17-06-1.

FOR: Blankenship, Herndon, Miller, Metz

AGAINST: Morris, Gardner, Bryan

MOTION CARRIED: 4-3

CASE NO.: PH#8-06-5

AGENDA NO.: 7

OWNERS: Roger D. and Barbara G. Howard
APPLICANT: Robert Luis Boselli

Stacy Allen, Senior Planner, presented the case and staff recommendation of denial. She showed the aerial from the staff report on the monitor. She stated that the County received one letter of concern by e-mail on January 30.

Paul Bryan said this is probably the smallest tract of land he has seen come through as a Planned Unit Development (PUD). When he asked the reason for a PUD request instead of straight zoning, Ms. Allen said this would allow the applicant to acquire more points to increase the density. Without the PUD, the density would be one unit per acre.

Robert Herndon confirmed with Ms. Allen that the three hypothetical additional students that might be going to the elementary school was the primary reason for staff's recommendation of denial.

When Timothy Morris asked if there was documentation from Aqua Utility Service confirming that they will provide service, Ms. Allen said there was not. It is stated on the application.

Roger Dennis Howard, owner of the property, was present to represent the case. He did not understand the staff recommendation of denial as this project would only generate seven potential students. They want to subdivide and sell the property because he is a minister who will be relocating his family, and this will help them with resettling the ministry in a different location. They have talked to their neighbors. He submitted a letter from Gregg Welstead as Applicant Exhibit A and read it into the record. He said the developers have had conversations with Aqua Utilities Service. He did not have any paperwork with him at this time, but he has also talked with Aqua Utilities Service. They are currently providing water for a subdivision just north of the subject property. He was willing to meet all the requirements for this subdivision.

Mr. Bryan asked Mr. Howard if he would be willing to have a school concurrency restraint similar to what was done earlier in this public hearing. Mr. Howard said he had no objection to any studies that need to be done. The seven students is only a projection. He reiterated that they would comply with whatever is necessary.

Barbara G. Howard was also present to represent the case. She submitted a memorandum to the Board of County Commissioners (BCC) as Applicant Exhibit B and read it into the record. At the request of Mr. Howard, Sherie Ross, Public Hearing Coordinator, distributed copies of Applicant Exhibits A and B to the Zoning Board members.

Patricia Bailey said she purchased her property in 2002 and built a house there with the intention of keeping it rural. Her biggest concern was the impact of additional traffic on this area. She added that she has a well and septic tank on her property and was concerned about the impact of additional homes on these utilities. Gray's Airport Road is a very narrow road and very congested. She questioned whether more than seven students may be generated by 17 homes. She would like the density to stay at one unit per acre. She was also concerned about the type of homes that would be placed on this property and if there would be deed restrictions in place. In response to Mr. Bryan, Ms. Bailey said she is on 2.4 acre and has two lots. Her home is on one lot with the 2.4 acres adjoining the Howard's property.

Abby LaPlant said her property is south of Ms. Bailey's property. She said she concurs completely with what Ms. Bailey said. She also questioned the number of students coming from these 17 homes. She owns 2.32 acres and wants to keep this a rural atmosphere. The traffic on Gray's Airport Road is horrendous. It is a very narrow road, and the sides of the road are chipped. She asked how much the road would be widened and the length it will be widened. She spoke of another development in the area that has already been approved. If these homes are for The Villages workers, she felt they should make room for their workers and let them go to The Villages' schools. She would like the zoning to remain at R-1.

CASE NO.: PH#8-06-5 **AGENDA NO.:** 7
OWNERS: Roger D. and Barbara G. Howard **PAGE NO.:** 2
APPLICANT: Robert Luis Boselli

Mike Dozier said he lives several hundred yards down the road from this property. He owns 2.2 acres. If this property is rezoned to PUD, it will not be consistent with the other homes in the area and could set a precedent. He did not think the present density of one unit per acre should be changed.

Mr. Howard said he has lived on the subject property for nine years. There are manufactured homes in the area. This subdivision will not be built specifically for Village workers. The price range for these homes will be \$200,000 to \$250,000. The existing home on the property will remain. It is 2200 square feet. They will be maintaining a home there and would not want a subdivision that would devalue their home.

Regarding Item H on Page 5 of the staff report, Larry Metz asked if the fact that this request would not maintain an orderly and logical pattern of development in the area was the basis for the denial recommendation or if it was strictly the school issue. Ms. Allen replied that it was strictly the school issue with Item H taken into consideration. However, with a PUD, 25 percent open space and a 15-foot vegetative buffer around the perimeter of the site would be required. Mr. Metz asked how that would affect the overall density. Ms. Allen said the applicant is proposing 17 lots. The property contains 2.7 acres of open water bodies and one-half acre of wetlands. Acreage for storm water retention must also be considered. At the present zoning of R-1, there is a potential for ten home sites.

Mr. Bryan did not feel it was the intent of a PUD to use it on a ten-acre tract to increase density. Typically a PUD is a much larger development. He was not comfortable with PUD zoning on this property as the surrounding properties are zoned R-1. He could not support this request. Mr. Morris agreed.

MOTION by Timothy Morris, SECONDED by Donald Miller to recommend denial of PUD zoning in PH#8-06-5.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#27-06-3

AGENDA NO.: 8

OWNER: The First National Bank of Mount Dora
Trustees for Ron and Debra Chapman
Bruce Duncan, Attorney at Law

Stacy Allen, Senior Planner, presented the case and staff recommendation of denial. She showed the aerial from the staff report on the monitor.

Robert Herndon stated that several months ago a question was raised regarding the percentile factor used in determining a staff recommendation of denial for overcapacity. He thought the answer had been ten percent. Ms. Allen stated that last week staff was instructed to recommend denial of any case where there was over two students or five rooftops added to the School System. When Timothy Morris asked who instructed staff to do that, Ms. Allen said it was the Director and Deputy Director of Growth Management. The purpose was to provide consistency in the staff reports. Paul Bryan said the recommendation should have some connection to the capacity of the schools.

Carol Stricklin, Director, Department of Growth Management, said the County does not have a specific standard for de minimis impacts. It is up to the Zoning Board to determine if two students in a school that is six percent overcapacity should be considered de minimis and make their finding based upon that. The staff report was indicating the standard for availability of public facilities and services. Because the middle school is overcapacity and this project would add two students to that school, that school would be negatively impacted. For consistency in the cases heard at this public hearing and because there are a number of cases that impact overcrowded schools, staff has recommended denial consistently.

Donald Miller asked if a department can determine from day to day what their standards will be. Kevin McBride, Assistant County Attorney, said the standards have not changed from day to day. As a rule of consistency, the department has decided to recommend denial if there is any impact to the schools. Ms. Strickland agreed that that is a correct statement for the cases being heard at this public hearing.

James Gardner said a recommendation of denial based on overcapacity of schools is quite a policy change. He has not heard the answer to the lines of authority and how that decision was made. Ms. Stricklin said staff is charged with giving this Board their best professional recommendation based upon consistency with the Comprehensive Plan. The standard is the availability of public services and facilities. The recommendation is coming to the Zoning Board from the Department of Growth Management. Staff has not had a work session with the Board of County Commissioners (BCC) to set an official County policy in this matter. In response to Mr. Gardner, Ms. Stricklin said staff would take direction from the BCC as a whole in a work session or public hearing setting. Staff has talked about school capacity in the context of specific cases, and the BCC has made determinations in those specific cases. Staff has also had discussions with the joint working group on school concurrency, but the BCC has not given specific policy direction on this issue. Mr. Gardner felt it was a concern that staff is consistently recommending denial even when only a few students would be added to the School System. In this case, two of the schools are under capacity.

Mr. McBride pointed out that the BCC, through the Land Development Regulations (LDRs), have set forth the standards for review that this Board and the BCC take into consideration. It is the responsibility of this Board to determine whether and the extent to which the proposed rezoning would result in demands on public facilities such as schools. Staff is making a recommendation based on their professional opinion. It is up to this Board to decide the extent to which the overcapacity puts a strain on facilities and then make a recommendation. Mr. Morris stated that this Board relies on staff's opinion greatly; and over the past year, the pendulum has swung completely the opposite way. He felt there should be a happy medium.

Bruce Duncan was present to represent the case. He said they made application for this development as a 55+ age-restricted community. He spoke of an article in the Southeastern Builders Magazine in which it stated that the baby boomers are interested in small "jewelry boxes" such as smaller town homes, zero lot lines, and no lots to take care of. He stated that the decision to make this a 55+ age-restricted community was a marketing decision and not a political decision in an attempt to get around the School Board issue.

CASE NO.: PH#27-06-3**AGENDA NO.: 8****OWNER: The First National Bank of Mount Dora
Trustees for Ron and Debra Chapman
Bruce Duncan, Attorney at Law****PAGE NO.: 2**

Since this is a straight rezoning case, there is no way that they can put an age-restricted limitation on this community in the documents. Mr. Bryan said that was done last month. Mr. Duncan said this Board can approve that and he can guarantee that it will be done, but the approved zoning ordinance cannot have that decision because it would be considered contract zoning.

Mr. Duncan added that he has met with his client, who is willing to reduce the request from R-4 to R-3 zoning. This would limit the subdivision to 13 units as opposed to 17 or 18 units in R-4 zoning. Cracker-style town homes would be constructed in the price range of \$400,000. The subdivision would be similar to the Vineyards in Mount Dora. It will be a gated community with private roads and the entryway off Cactus Lane. A letter was sent by Mount Dora confirming that water would be available from them. Central sewer will be required when it is available, pursuant to the Code. He would be willing to meet with the neighbors to view and discuss the plans.

Mills Riddick, a resident on Lakeshore Drive, said he moved to Lake County 22 years ago. At that time, the lots in this area were zoned R-1. He moved to Mount Dora with the intent to getting away from what this gentleman is proposing. He has City water at his home, but he does not have City sewer. Central sewer has been promised for 22 years, but it has not arrived yet. He felt 13 new homes would bring septic problems. Cactus Lane is a quiet residential lane. It was not designed to be access to a complex of this nature.

Larry Everly, president of Lake Dora Harbor Homeowners' Association, said his subdivision borders the subject property. Properties on the east side, south side, and most of the west side of this subject property are all zoned for one unit per acre. He agreed with Mr. Riddick. The County is spending a tremendous amount of money to clean up Lake Dora, and this will negatively impact the lake. If he could be guaranteed that these new homes would be on central sewer, he may have a different opinion. He was against rezoning this property.

David Jenner, resident on Lakeshore Drive, said his property is at the southern boundary of the subject property. He felt this project would affect the value of his property and his quality of life. He was concerned about the effect of additional septic tanks on his well as well as on the lake. He was also concerned about the additional traffic on Lakeshore Drive and Cactus Lane. He was very opposed to this rezoning.

Richard Immerci, a resident of Sunset Drive and a resident of this area for 25 years, said that two cars can barely pass on Cactus Lane. That road is not capable of handling the traffic from this proposed development. This project is totally inconsistent with the character of this residential neighborhood. There is no need to change the zoning in an area that has always been R-1 zoning. There is nothing to be gained except on the part of the developer. He asked the Zoning Board to deny this request.

James Russell, a property owner on Harbor Drive, said 300 feet of his property borders the east side of this proposed development. He was also concerned about decreased property values and the loss of his quality of life. There is no multifamily housing within miles of this property. He said thirteen units of multifamily housing crammed on 4.6 acres in his backyard would be noisy and intrusive. He asked the Board to deny this request and keep the zoning R-1. He submitted a petition of opposition as Opposition Exhibit A. In response to Robert Herndon, Mr. Russell said the three lots to the left of the subject property are larger lots with one house per three acres.

Greg Collier said he has lived on Cactus Lane for 15 years. He lives three lots down and across the road from the subject property. Cactus Lane was repaved about two years. He spoke of the mounded septic systems in the area. He felt four or five homes on this property (R-1 zoning) would be sufficient for the

CASE NO.: PH#27-06-3

AGENDA NO.: 8

OWNER: The First National Bank of Mount Dora
Trustees for Ron and Debra Chapman
Bruce Duncan, Attorney at Law

PAGE NO.: 3

area. He noted several single-family subdivisions in the area and asked this Board to consider them and the other issues he discussed when making a decision.

Violet Irminger said that all of her neighbors who live west of Sunset Drive on Lakeshore Drive did not receive notice of this public hearing. She just learned of this yesterday. There would be more people present if they had known of this zoning change. This is an established neighborhood. Her house was built in 1958. She was concerned that approving this development would set a precedent.

Lois H. de Sousa, a resident on Lakeshore Drive, said she objected to someone building on the lot in back of her home. It is a good place for exercising.

Ralph Smith, a resident on Lakeview Lane in Lake Dora Harbor and a property owner on Cactus Lane, said this would sandwich a small subdivision in between properties of one acre and three acres. Cactus Lane is a small accessible road.

Mr. Collier said the sign advertising the request was hard to find. Many people on Cactus Lane did not receive notices. He reiterated that he did not object to the construction, but he did object to the amount and type of housing. Mr. Bryan said the County has certain notice requirements that are generally exceeded unless an error was made.

With only 13 age-restricted dwelling units, Mr. Duncan did not feel this should create problem with the neighbors. He noted that the lots on Cactus Lane are not one acre. Mixed-use development is thought very highly of among planning communities these days, and that is what is being done in this area. Further to the north are some very old subdivisions that are not in very good condition. To the best of his knowledge, the notice requirements had been met, and the sign must be posted on the property, pursuant to the rules and regulations. He felt this would be a nice addition to the neighborhood.

Larry Metz asked Ms. Allen to elaborate on Item H in the staff report as to why she felt this would be an orderly and logical development pattern considering it is all single-family dwelling units around the subject property. Ms. Allen said the subject property is within close proximity to the city limits of Mount Dora. Also the lots to the north and west of the subject property are one-quarter acre lots. She felt the density of 13 dwelling units on 4.7 acres for the zero lot line town homes was appropriate. Mr. Metz commented that when he looks at the area around this proposed development, it is all single-family residential units. This would be putting a townhouse development in the middle of a single-family area. That brings up issues of compatibility with the surrounding area. That was a concern to him. Schools would not be a problem due to the commitment by Mr. Duncan of an age-restricted community. There are also traffic issues in regard to Cactus Lane.

Donald Miller made a motion to recommend approval of R-3 zoning in PH#27-06-3, but it died for lack of a second.

MOTION by Donald Miller, SECONDED by Robert Herndon to recommend denial of R-3 zoning in PH#27-06-3.

CASE NO.:	PH#27-06-3	AGENDA NO.:	8
OWNER:	The First National Bank of Mount Dora Trustees for Ron and Debra Chapman Bruce Duncan, Attorney at Law	PAGE NO.:	4
FOR:	Morris, Gardner, Herndon, Bryan, Miller, Metz		
AGAINST:	None		
NOT PRESENT:	Blankenship		
MOTION CARRIED:	6-0		

CASE NO.: PH#28-06-5

AGENDA NO.: 9

OWNERS: Louis Meucci, Trustee, and Mark D. and Susan M. Daigneau
APPLICANT: Greg A. Beliveau, AICP, LPG Urban and Regional Planners, Inc.

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor.

Greg Beliveau with LPG Urban and Regional Planners, Inc. was present to represent the Meuccis. He said he had met with the Town of Lady Lake, and central water and sewer would be available to the site. He stated that in the immediate future, CR 466 would be an improved road system with four lanes. The Villages is located north of this property. There is a green belt area along the northern portion of the entrance, which abuts the subdivision to the north. There is a dual boulevard coming in from Rolling Acres Road. He submitted a conceptual development plan as Applicant Exhibit A and showed it on the monitor. There will be extensive green space. Only one pod will be town homes, and it will be internalized. He noted the recreation component and the emergency access on the conceptual plan. The emergency access will be used for emergencies only. If the County Fire Department would be agreeable to using the dual boulevard access, they would not utilize the emergency access at all if there is opposition. Accel/decel lanes will be provided on Rolling Acres Road.

In response to Paul Bryan, Mr. Beliveau said the CFD-zoned property to the north is a church. Timothy Morris was informed by Mr. Beliveau that a preliminary traffic study has been done, and it showed no traffic issues on Rolling Acres Road as far as capacity. Road improvements will be needed for the access.

James Glenward Holland, adjacent property owner, said San Pollo Villas is on the north and west corner of the proposed development. They are requesting a deferral of a decision on this request pending a meeting of the San Pollo Villas Homeowners Association with a presentation of the development plans and layout. Several of the homeowners in the San Pollo Villas did not receive notice of this meeting.

Peggy Burdorf, owner of property bordered on two sides by this proposed development, also asked for a postponement because she did not feel adequate information has been provided to the community. Her husband, Pelcher Burdorf, has owned this property for over 30 years. The community feels they deserve respect, consideration, and some information as to everything that has been happening. The community is not objecting to the development and the growth. It is a necessity. They are concerned about losing their privacy, security, and protection. Little Dirt Road is the only access into their property. The subject property can also access Little Dirt Road. Their properties have uncontaminated well water, and they are concerned about how this development will affect their properties.

In respect to Mr. Holland, Mr. Bryan said a rezoning to Planned Unit Development (PUD) would allow conditions to be added to the request.

Ms. Burdorf asked for the information that Ms. Allen had presented earlier.

Michele Hewitt, a resident of San Pollo, said she was not noticed about this public hearing. The emergency access Mr. Beliveau spoke of earlier is their road with an easement at the end of the cul-de-sac. They do not want 400 homeowners driving through their driveways to get to this new subdivision. Right now that road is closed off; no one is using it. They want to keep it that way. They have received no information regarding the prices of the homes. The homes in San Pollo Villas cost from \$200,000 to \$300,000 and are located on lots of at least three acres. There are only ten owners in their subdivision. They want that same kind of flow to this new subdivision. They do not want to be overburdened with additional traffic. The lots in San Pollo Villas have wells and septic tanks. They do not want to be annexed into the Town of Lady Lake and be required to connect to their water and sewer systems. She would like the applicant to meet with the Homeowners' Association to explain the plans. She did not have a problem with the 55+ age-restricted community provided it meets with the flow of everything else and that they do not use this

CASE NO.: PH#28-06-5

AGENDA NO.: 9

OWNERS: Louis Meucci, Trustee, and Mark D. and
Susan M Daigneau/Greg A. Beliveau, AICP,
LPG Urban and Regional Planners, Inc.

PAGE NO.: 2

community as a stepping stone to get there.

Mary Carver Jones wants the property to remain the zoning of Agriculture. She has owned her property for over 30 years. She does not live on her property at the time, but it adjoins the subject property on two sides. She is opposed to this request.

Alba Sharpnack said she has lived on Via San Pollo Road for five years. They moved to this neighborhood because they agreed with the covenants and appreciated the care that Mr. Meucci took to make it the neighborhood it is. The value of their property is something that they do not want taken away. She said she does not object to this 55+ community, but she would object to access through their street. Their covenants state that their subdivision is a minimum 3-1/2 acre community. The houses must be at least 1,800 square feet. Their subdivision is not an age-restricted community. Their architectural committee must approve the appearance of the home. Regarding compatibility, their subdivision is totally opposite of what is being proposed. Mr. Meucci said he wants to protect the neighborhood. They want to maintain the quality of life that they have. However, the biggest issue is access.

Paul Anderson stated that one of the main issues is that this new subdivision have its own access from Rolling Acres Road and not through their subdivision.

Mr. Beliveau said he had checked with the County staff and no letters of opposition had been received. He has no problem meeting with the homeowners' association and providing the requested information. The County sends out the notifications to property owners based on the County Code requirement. The access through San Pollo Villas would be for emergency only. It would only be utilized if the main boulevard is blocked. They will meet with the County Fire Rescue on this issue so that it can be resolved. Lady Lake's plan to provide central utilities along Rolling Acres Road will be taking place whether this project is approved or not. It was his understanding that Lady Lake's policy would be not to force any connections but to connect properties that are annexing into the town. This is a transitioning area. Many of the properties are annexing into the Town of Lady Lake. This property cannot annex yet because it is not contiguous at this time. The other CFD-zoned property to the east is a church. The price of the homes in this subject property will be \$200,000 plus. The subdivision will be deed restricted for 55 years of age and over, and the PUD Ordinance could also reflect this. They will follow the Florida Statutes upon development in the County. The density is consistent with what is transitioning out there. The development is very sensitive to the existing development.

Mr. Morris said the biggest concerns seem to be access and having a meeting to discuss the plans. Both issues appear to be addressed so he was comfortable with the project.

Larry Metz agreed with Mr. Morris. Although there was opposition present, the tone of the comments seem to be one of wanting information and being included in the process rather than complete opposition. He felt that will be addressed between now and the BCC public hearing, and most of their concerns will be addressed. Therefore, he would be comfortable supporting this request.

MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of PUD zoning at a density rate of four units per acre in PH#28-06-5.

Mr. Bryan stated that the applicant has agreed to meeting with the property owners in the area to discuss this project.

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz

CASE NO.: PH#28-06-5

AGENDA NO.: 9

OWNERS: Louis Meucci, Trustee, and Mark D. and
Susan M Daigneau/Greg A. Beliveau, AICP,
LPG Urban and Regional Planners, Inc.

PAGE NO.: 3

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

There was a break for lunch until 1:15.

CASE NO.: PH#26-06-5

AGENDA NO.: 10

OWNERS: James W. Sims Jr. and Louise F. Sims, Trustees
APPLICANT: Mark A. Maciel

Stacy Allen, Senior Planner, stated that the applicant would like to request a continuance.

Mark Maciel said he is asking for a 60-day continuance so he can meet with staff and neighbors to discuss some options.

There was no opposition in the audience to the continuance request.

MOTION by Timothy Morris, SECONDED by Robert Herndon to continue PH#26-06-5 until the April 5, 2006 Lake County Zoning Board public hearing.

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

CASE NO.: PH#29-06-2

AGENDA NO.: 12

OWNER Lake County School Board
APPLICANT: Greg Beliveau, AICP, LPG Urban and
Regional Planners, Inc.

John Kruse, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial from the staff report on the monitor.

Jeri Schuur said she was concerned about the access to be used for construction of the school.

Robert Foley, Windy Hill Middle School Advisory Council Chair and East Ridge High School Vice Chair for the School Advisory Council, said this should have been built two or three years ago. He supported this proposal and asked that the decision be made rapidly to avoid another school crisis in south Lake County. Next school year more portables will probably have to be added to the school campuses.

Cindy Barrow, a resident of Clermont, supported this request for rezoning. She spoke of the purpose of Voters Organization Involved in Children's Education (VOICE). She asked that this Board grant the request.

Greg Beliveau of LPG Urban and Regional Planners, Inc. was present to represent the case. He submitted a 2004 aerial as Applicant Exhibit A. He pointed out the roads in the area, noting that there are several alternatives for access to the property. As far as construction is concerned, the closest component to the site will probably be used. However, the specific access has not yet been determined. If Ms. Schuur has an issue that she would like to discuss, he will try to address it.

Ms. Schuur said she has lived on Paloma Road for 15 years. When East Ridge High School was built, construction equipment ran over her property. She totally supports construction of schools, but she does not want to have the same problem she had with the construction of the high school.

Mr. Beliveau said there are more roads available now than there were when the high school was built. He will bring this issue to their attention.

MOTION by Timothy Morris, SECONDED by Donald Miller to recommend approval of CFD zoning in PH#29-06-2.

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

CASE NO.: PH#24-06-3

AGENDA NO.: 14

OWNERS: Jim Lyden and Don Nicholson
APPLICANT: Craig J. Kosuta

John Kruse, Senior Planner, presented the case and staff recommendation. of denial. He showed the aerial from the staff report on the monitor.

In response to Donald Miller, Mr. Kruse said the Planned Unit Development (PUD) across the road was on the agenda for today, but it was continued until next month. It was originally Golden Fleece PUD; it has a combination of residential, office space, and commercial.

When Paul Bryan asked if C-1 zoning would be compatible with the Neighborhood Activity Center, Mr. Kruse said it would be compatible with the underlying Suburban land use category. He showed Page 3204 of the Land Development Regulations (LDRs) on the monitor and submitted it as County Exhibit A. However, the Neighborhood Activity Center limits commercial development to 50,000 square feet. That becomes a problem when there are several different landowners competing for those 50,000 square feet of commercial. Mr. Bryan said he has never agreed with that 50,000 square feet limit. Timothy Morris asked how much commercial development has been agreed upon on the two parcels shown on the aerial. Mr. Kruse was informed by the applicant that the amount is 55,000 square feet, which is over the threshold; but that is in combination with the Employment Center. He reiterated that the Suburban land use category would allow C-1 uses but not C-2 uses. Mr. Morris asked Mr. Kruse when he thought that designation would change.

Amye King, AICP, Deputy Director, Department of Growth Management, said this is a subject the Local Planning Agency (LPA) is reviewing at this time. Although no decision has been made at this time, she felt there was a good chance there would be changes to commercial location criteria, especially to clarify it as it has been interpreted in various ways. One option is to have a straight commercial designation with possible thresholds based on scale so the commercial will fit into the area in which it is being located.

At the request of Larry Metz, Mr. Kruse explained the uses allowed in C-1 and C-2. He noted that there are 12 to 15 uses that are not permitted in C-1 but are permitted in C-2. Mr. Metz said it did not seem to make sense to make that distinction on US 27. He agreed with the option Ms. King spoke of, noting that it would be more pragmatic. Mr. Kruse explained that the staff recommendation for this case must be based on the LDRs and Comprehensive Plan at this time.

When James Gardener asked when this area was designated a Neighborhood Activity Center, Mr. Kruse said he thought it came through when the Golden Fleece land use plan amendment was done, around 2002. In response to Mr. Gardner, Mr. Kruse said the only activity the County has seen is on the northern end of the Golden Fleece PUD where they were allowed 108 single-family residential units. They have gone through the preliminary and final plat stages as well as the construction stage.

There was no opposition in the audience.

Craig Kosuta was present to represent the case. He read from the Comprehensive Plan, noting that a Comprehensive Plan amendment would not be needed for new commercial and professional services within the Suburban land use category. Regarding the underlying Employment Center designation on the PUD across the road, which his clients own, there is 178 acres with 6,000 feet of frontage on US 27. The Employment Center language specifically states that property adjacent to an Employment Center can be rezoned without a Comprehensive Plan amendment as long as the density and intensity are less than the Employment Center use. With the amount of frontage on US 27, he felt they could control their entries and have ample space to provide internal circulation between the properties for C-2 uses.

Mr. Bryan asked what Mr. Kosuta wanted in C-2 zoning that C-1 would not allow. Mr. Kosuta spoke of medical offices, restaurants, and banks. He noted that the Suburban land use designation allows various types of industrial uses without a Comprehensive Plan amendment if it is next to an Employment Center.

CASE NO.: PH#24-06-3**AGENDA NO.: 14****OWNERS: Jim Lyden and Don Nicholson**
APPLICANT: Craig J. Kosuta**PAGE NO.: 2**

However, they are not asking for industrial uses. If C-2 zoning has some adverse uses, they would be willing to eliminate those within reason.

MOTION by Donald Miller, SECONDED by Robert Herndon to recommend approval of C-2 zoning in PH#24-06-3.

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz**AGAINST: None****NOT PRESENT: Blankenship****MOTION CARRIED: 6-0**

CASE NO.: PH#25-06-3

AGENDA NO.: 15

OWNERS: Jim Lyden and Don Nicholson
APPLICANT: Craig J. Kosuta

John Kruse, Senior Planner, said this is a continuation of PH#24-06-3. He showed the aerial from PH#24-06-3, noting that this case is the northern parcel. A portion of this property is within the Neighborhood Activity Center. The Comprehensive Plan policies and Land Development Regulations (LDRs) table cited in the previous case would apply. Based on that, staff recommended denial of the request to rezone from Agriculture to C-2 zoning.

When Donald Miller asked why there were two separate applications, Mr. Kruse stated that in conversations with the applicant, Mr. Kosuta said he did not want to jeopardize the entire project since one property was wholly in the Neighborhood Activity Center and the other had only a portion in it. Since the properties were identified as two different alternate keys, the properties could come forward as two different applications.

There was no opposition in the audience.

MOTION by James Gardner, SECONDED by Donald Miller to recommend approval of C-2 zoning in PH#25-06-3.

Timothy Morris felt it would be "stretching the envelope" on this 30-acre parcel. He could understand C-2 zoning at the intersection of US 27 and Bridges Road as in the previous case, but this would allow US 27 to be lined with commercial to Dewey Robbins Road. He had some concerns with that. Paul Bryan said he could not support this request.

FOR: Gardner, Herndon, Miller, Metz

AGAINST: Morris, Bryan

NOT PRESENT: Blankenship

MOTION CARRIED: 4-2

CASE NO.: PH#10-06-3

AGENDA NO.: 16

OWNER: St. Johns River Water Management District
APPLICANT: Gene Caputo

John Kruse, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial from the staff report on the monitor. Mr. Kruse explained that this Board heard this case last month. At that public hearing, there was a concerned citizen. Mr. Kruse said he has met with representatives from St. Johns River Water Management District, and it appears that the issue is a civil dispute and would not affect the rezoning of this property. Therefore, staff would still be able to support the approval of this request.

Anthony J. Lukas said his property shares a border and fence for almost 3000 feet with the owner of this property. St. Johns River Water Management District has not responded to his inquiries as far as litigation is concerned. When he asked to see a plan or sketch of what is to be done, St. Johns River Water Management District told him that they could not talk to him.

Mr. Kruse submitted as County Exhibit A correspondence between St. Johns River Water Management District and Mr. Lukas as well as copies of newspaper articles describing events that have occurred on Mr. Lukas's property.

Mr. Lukas spoke of a contractor who shares the other border of the subject property. This contractor owns 42 acres on the other side and was never notified of this public hearing. Therefore, Mr. Lukas requested another continuance until information is provided to the adjacent property owners.

Gene Caputo, intergovernmental coordinator for St. Johns River Water Management District, said this case was continued last month until such time as St. Johns could meet with Mr. Lukas. In the lobby after the public hearing, Mr. Caputo said he gave Mr. Lukas his business card and showed him their plan. He suggested to Mr. Lukas that because of potential legal action, Mr. Lukas' attorney meet with the St. Johns' attorney. That has not happened. Steve Miller, Division Director of Land Management, was present to answer questions. No one has contacted the Division of Land Management. They have given Mr. Lukas ample opportunity for discussion. He has shown Mr. Lukas the current site plan that is part of the staff report. Mr. Kruse showed it on the monitor. Mr. Caputo said the original rezoning request dealt with a small corner of this property, which they are currently using for a field station for the entire Lake Apopka project. It was staff's recommendation that because St. Johns owns the entire 42 acres, it would be best to rezone the entire property to CFD in case of any future expansion or development, which is not anticipated at this time. Their proposal only deals with the small corner. The property contains an office, storage buildings, and a sample processing facility. They are proposing, within the same footprint of the property, a covered boat storage facility, an office, and parking for staff. In response to Paul Bryan, Mr. Caputo said they are replacing the existing office with a larger office. When Mr. Bryan said St. Johns would be limited to what is shown on the site plan and would have to come back before this Board and the Board of County Commissioners (BCC) for any other activities, Mr. Caputo said they went through the staff report with Mr. Kruse and are comfortable with what he has recommended. They do not anticipate exceeding what is shown on the proposed site plan. He submitted a copy of the application, two maps, the current site plan, the proposed site layout, and an aerial as Applicant Exhibit A. Mr. Lukas said that if the proposed site layout submitted as part of Applicant Exhibit A is actually what is to be done on the property, he would have no objection.

MOTION by Donald Miller, SECONDED by Robert Herndon to recommend approval of CFD zoning in PH#10-06-3, based on the proposed site layout presented.

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

NOT PRESENT: Blankenship

CASE NO.: PH#10-06-3**AGENDA NO.: 16****OWNER: St. Johns River Water Management District**
APPLICANT: Gene Caputo**PAGE NO.: 2****MOTION CARRIED: 6-0**

Mr. Lukas said he has a copy of the current site plan; he would like to see the future plan. Mr. Bryan said both the current and future site plans were shown. Mr. Lukas said he did not see the future plan. He asked for a copy of the proposed site plan, and Mr. Kruse said he would make a copy.

CASE NO.: PH#15-06-5**AGENDA NO.: 18****OWNER: Fleck Holdings 3, LLC/Peter Fleck**
APPLICANT: Mark A. Maciel

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial and a picture of the posting on the monitor. Mr. Maciel has been in close contact with Harry Fix with the School Board as well as Mr. Hartenstein and is aware that this development could be subject to school concurrency. He noted that the area is fairly well developed at about the same density ratio as is being proposed as far as the points are concerned.

Carol Knight said she lives on Lake Eustis and has a septic tank. She asked whether these new homes would be on septic tanks or central sewer and how this would impact the lake.

Mark Maciel replied that the homes would be on central water and septic systems. The lots must meet a minimum lot size because of the septic systems.

MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of R-3 zoning in PH#15-06-5.

Larry Metz said he intends to support this request as there is no net effect on school impacts because the density would be the same whether it is a mobile home park or developed as proposed.

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

CASE NO.:

PH#22-06-5

AGENDA NO.:

19

OWNER/APPLICANT:

Robert Granger, Jr.

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of denial. He showed the aerial from the staff report on the monitor. Since the analysis for the Urban Area Residential Density Chart was done, Mr. Hartenstein said there has been some additional review that Leslie Campione, representative for the case, presented to him this morning that will allow the project to reach 16 points and a density of 2.5 dwelling units per acre. Therefore, they now have enough points for what they have requested. Until the project qualified for R-2 zoning as a result of the additional points, staff was going to recommend R-1 zoning. He explained that the staff recommendation of denial is based on the impacts on the School System as the request meets the Comprehensive Plan and Land Development Regulations (LDRs) on the other issues. He submitted a zoning map as County Exhibit A.

Leslie Campione was present to represent the case. She said Wedgewood, an existing subdivision, surrounds this site on three sides. She explained that the requested R-2 zoning would result in ten lots although 12 lots would be allowed. She submitted a proposed site plan as Applicant Exhibit A, noting that the proposed lots will be at least comparable and probably larger than the Wedgewood lots. She pointed out the platted right-of-way, dedicated but not constructed. This project will connect to the dedicated right-of-way. She reiterated that this project has qualified for two dwelling units per acre. As far as compatibility and consistency, the request is basically what is already occurring in the area. Mr. Hartenstein pointed out in his staff report that his only concern was the school issue.

In response to James Gardner, Ms. Campione said the right-of-way she spoke of is sufficient in width according to the engineer. Mr. Hartenstein added that the right-of-way is part of the plat; it is a platted road that was never constructed but was named Chip Drive. There is sufficient right-of-way.

Bill Kimper was present on behalf of his daughter-in-law who owns property in Wedgewood and also property that adjoins the proposed project on the south side. She purchased this property with the idea that Sugarsand Road would eventually be extended over to Chip Drive. Without that, the land that she owns behind the Wedgewood lot is landlocked and has no access. He asked if she would be provided access so she can enjoy the benefits of her property. He said there is an absence of adequate park and recreation areas in that subdivision. He asked what provisions would be made for park and recreation areas in the proposed plan. In response to Timothy Morris, Mr. Kimper said her property is Lot 165 in Wedgewood. There is a row of parcels that are behind Lots 164 through 171. All of those parcels are landlocked. Their only access is through the Wedgewood property, which the deed restrictions prohibit transgressing to get to the rear properties. If Sugarsand Road is not extended as expected, these lots will remain landlocked. At the request of Mr. Morris, Mr. Kimper pointed out the lots he was referring to. He said he had spoken to Mr. Granger when he was proposing to build 16 houses. Mr. Bryan said this does not appear to be a rezoning issue. In response to Mr. Bryan, Mr. Kimper said they cannot access the property at this time. He tried to buy an easement from a neighbor but was not able to.

Mr. Hartenstein asked for a five-minute break so he could review a map in the Department of Growth Management before providing an answer to this situation.

Chairman Bryan reconvened the meeting at 2:20 p.m.

Mr. Hartenstein explained that the lots Mr. Kimper referred to were never recognized by the County as a subdivision; they are not legally created lots for building purposes. There is a process for creating developable lots. Mr. Kimper's daughter-in-law has completed a unity of title to combine her property and the lot that was not legally created to make one piece of property for building purposes. Wedgewood's deed restrictions do not allow driving on the lawn, but a driveway could be constructed to the rear of the property to an accessory building by going through the permitting process. However, deed restrictions are a civil matter, and the County does not get involved in that. Mr. Bryan said that basically these people have bought bigger backyards.

CASE NO.: PH#22-06-5**AGENDA NO.: 19****OWNER/APPLICANT: Robert Granger, Jr.****PAGE NO.: 2**

Ms. Campione said she has told Mr. Kimper that she would talk to Mr. Granger about a driveway, but another way to solve it would be to comply with the deed restriction as far as creating an actual driveway.

Regarding the five theoretical students that may be generated, Ms. Campione pointed out that school concurrency is not the law yet. This Board can consider any deficiencies in public services and facilities, but she questioned the denial of a rezoning case that has a de minimis impact. She asked for this Board's support. At this time, there is no written direction that stipulates this Board must deny this request based on the school issue.

Mr. Bryan agreed that the impact is very de minimis, and he would be willing to support this case.

In response to Larry Metz, Mr. Granger said that density is only one determining factor. However, when other determining factors are considered, this project does meet all the requirements to allow two dwellings units to the acre other than the impacts on the School System.

Mr. Bryan noted that another rezoning case located about 500 feet away with a density of 2.5 dwelling units per acre was before this Board a month ago.

MOTION by Robert Herndon, SECONDED by Donald Miller to recommend approval of R-2 zoning in PH#22-06-5.

FOR: Morris, Gardner, Herndon, Bryan, Miller

AGAINST: Metz

NOT PRESENT: Blankenship

MOTION CARRIED: 5-1

Adjournment

There being no further business, the meeting was adjourned at 2:35 p.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman